

Serial No. 10/091,163

PATENT
Docket No. 54317-018700**REMARKS**

Claims 14, 16-24, 39, 41, 43 and 45 are pending in the application.

Claim 14 has been amended to correct an informality.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected Claims 14, 16-24, 41 and 43 under 35 U.S.C. 103(a) as being unpatentable over Blanco (5,838,575) in view of Farrel (5,464,253). On Page 3, Line 8 of the Office Action, Examiner refers to "Pfaff '241." The Office Action does not mention this reference elsewhere and Applicant believes it is a misprint.

The remaining claims are rejected throughout the Office Action as unpatentable over Blanco in view of Farrel in further combination with various other references, including Leverence (2,619,168), and Paige (3,641,684). These rejections are respectfully traversed for the reasons set forth below.

1. **Blanco does not teach a toy**

In the Office Action, Examiner states that Blanco discloses "a fold open display box (10) for displaying an object" (See Office Action, Page 2, Line 19). Nowhere in the disclosure of Blanco does the word "object" refer to the contents of the container. Rather, the term "flat articles" is used in Blanco. This difference in terminology demonstrates that Blanco is limited to flat articles such as booklets, compact disks, and floppy disks.

The Examiner states that Blanco teaches a toy. Blanco does not disclose toys or teach including a toy in the container. Indeed, Blanco intends to "provide a receptacle which holds software of any geometric form, and in particular, compact disks (CDs) and floppy disks (diskettes) in both round and rectangular packaging." (See Column 1, Lines 49-52). In reading Blanco, one ordinary skill would not understand from Blanco's invention to use the container for toys. Instead, the container in Blanco would be understood to contain software packaging.

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Booklets, compact disks, and floppy disks are articles related to software packaging, not toys. Accordingly, Blanco does not teach or disclose a fold open display box comprising a toy.

2. Farrel does not teach a toy of pressable material

Farrel does not teach or disclose a toy being of pressable material. On Page 3, Line 4, Examiner states that Farrell "discloses that it is desirable to make booklets from pressable material to provide a delightful animation in the form of a squirt of water related to the story." In Farrell, the squirt of water is provided by a squirt mechanism that includes a pump body made of plastic and that can be squeezed to eject water. (See Column 1, Lines 42-46). While the pump body is squeezable when filled with water, the material of the walls of the pump body itself are pressable material.

Thus, because Blanco in view of Farrel do not teach a toy being of pressable material, Blanco in view of Farrel do not render Claim 14 obvious. The rest of the claims in the application depend from Claim 14. Accordingly, Claims 16-24, 39, 41, 43 and 45 are not rendered obvious by Blanco in view of Farrel. Therefore, Applicant requests that the rejections be withdrawn.

Conclusion

Applicant has complied with all requirements made in the above referenced communication. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

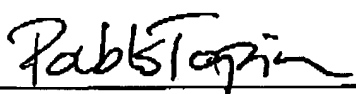
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The Commissioner is hereby authorized to charge any extension fees required in this case, now or in the future, to Deposit Account Number 50-2638. Please reference Attorney Docket Number 54317-018700 when charging any payments or credits in connection with this application.

Respectfully submitted,

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